

REMARKS

Applicants submit this Amendment in reply to the final Office Action mailed August 22, 2005.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication of the allowability of pending claims 1-27.

By this Amendment, Applicants propose to amend the specification and amend independent claim 28 to recite "said recording means comprising a first security block, an encryption circuit, and an authentication processing circuit, said storage medium comprising a second security block" and "a random-number generating circuit means for generating a random-number based on the determination result." Applicants also propose to amend independent claim 34 to recite "recording said reproduced information in a storage medium, said recording comprising encrypting and authenticating said reproduced information using a first security block, wherein said storage medium comprises a second security block" and "generating a random-number based on the determination result." Support for these amendments may be found, for example, in the originally-filed specification at col. 10, lines 44-64.

Before entry of this Amendment After Final, claims 1-39 were pending in this application. After entry of this Amendment After Final, claims 1-39 would still be pending in this application. Claims 1, 10, 19, 28, and 34 are independent claims.

On page 3 of the final Office Action, claims 28-39 were rejected under 35 U.S.C. § 251 as allegedly being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. Applicants respectfully traverse this rejection.

Applicants note that page 11 of the Amendment filed April 11, 2003 in prior Application No. 09/690,543 ("prior Amendment") asserts that "Ashe is not concerned with security blocks for encrypting and authenticating data, and does not teach a random-number generating circuit." While Applicants do not necessarily agree that the aforementioned assertion is "broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based," solely in the interests of expediting the prosecution of this application, Applicants have amended independent claims 28 and 34 to each recite security blocks, encryption, authentication, and random-number generation.

While as-amended independent claims 28 and 34 do not recite every aspect set forth on page 3 of the final Office Action, Applicants assert that the presentation of independent claims 28 and 34 in this reissue application, as currently amended, is not a recapture based on the holdings of Ex Parte Eggert, 67 U.S.P.Q.2d 1716 (Bd. Pat. App. & Inter. 2003) as set forth in M.P.E.P. § 1412.02(2)(d) ("Reissue Claims Broader in Scope in Area Directed to Amendment/Argument Made to Overcome Art Rejection in Original Prosecution; but Reissue Claims Retain, in Broadened Form, the Limitation(s) Argued/Added to Overcome Art Rejection in Original Prosecution"). Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 251 rejection.

On pages 3-5 of the final Office Action, claims 28-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 97/08695 to Sako et al. ("Sako") in view of U.S. Patent No. 6,449,232 to Kuwahara et al. ("Kuwahara"). Applicants respectfully traverse this rejection.

The final Office Action does not establish a proper case of *prima facie* obviousness as to how any combination of Sako and Kuwahara disclose or suggest the claimed invention. For example, the final Office Action does not set forth how any combination of Sako and Kuwahara disclose, among other aspects, security blocks, encryption, and authentication and random-number generation. Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 103(a) rejection.

Applicants further submit that rejected claims 29-33 and 35-39 depend either directly or indirectly from one of independent claims 28 and 34, and are therefore allowable for at least the same reasons that their respective independent claim is allowable. In addition, each of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references and therefore each is separately patentable.

Applicants respectfully request that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 28-39 in condition for allowance. Applicants submit that the proposed amendments to claims 28 and 34 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Finally, Applicants submit that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment After Final, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

In discussing the specification and claims in this Amendment After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Reissue Application No. 10/732,887
Attorney Docket No. 09812.0153-01
Amendment After Final - October 12, 2005

Please grant any extensions of time required to enter this Amendment After Final
and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Michael W. Kim
Reg. No. 51,880